

Los Angeles Times

Business; Business Desk
Scrutiny of Lap-Band enterprise is overdue

MICHAEL HILTZIK
1,543 words
19 December 2010
Los Angeles Times
LATM
Home Edition
B-1
English
Copyright 2010 The Los Angeles Times

The tragedy of Ana Renteria's life was in the way it ended: her body ravaged by infection 10 days after she had the **Lap-Band** weight-loss operation advertised on those billboards and radio spots bearing the phone number 1-800-GET-THIN.

Renteria, who had long struggled with her 240-pound frame, had been in almost constant pain ever since the operation, says her sister, Noemi Luna.

"I remember her telling me, it's not getting any better," Luna recalled. When Renteria called the clinic where she had the operation to complain, Luna said, she was told the discomfort was natural. "They said that's how it's going to feel."

Five days after the **Lap-Band** operation, the 33-year-old office worker awoke gasping for breath, according to Luna and the Los Angeles coroner's report on Renteria's death.

At Lakewood Regional Medical Center she repeatedly went into cardiac arrest, the coroner's report states. She died shortly after midnight last Feb. 14, while friends and family members filled a hospital waiting room and prayed for a miracle.

Luna saw her just before she slipped into a coma. "I saw the desperation on her face," she told me. "That said everything."

Renteria's death may finally prompt California's medical regulators to take a close look at the weight-loss surgeries marketed by an outfit called TopSurgeons through the 1-800-GET-THIN number.

The Medical Board of California informed Renteria's family July 27 that it was reviewing the medical care she had received from Dr. Atul Madan, who is identified by the coroner as her surgeon at a Beverly Hills clinic connected to the billboard campaign. The letter asked the family to release Renteria's medical records so the review could proceed. The case was referred to the medical board by the Los Angeles County coroner's office, which attributed Renteria's death to complications from her surgery.

This sort of scrutiny is overdue. Renteria's is the second death linked by a coroner's report to **Lap-Band** surgery performed at 9001 Wilshire Blvd., Suite 106, Beverly Hills. Willie Brooks Jr., a 35-year-old school custodian, died June 8, 2009, three days after his operation. In its report, the Riverside County coroner attributed the death to "peritonitis due to **lap band** procedure due to obesity." He weighed about 297 pounds.

The suite's history, which includes the revocation of its accreditation by a professional oversight body in 2009, has been detailed previously in this column. It also lost its Medicare certification last year after the federal government determined that conditions there posed "immediate jeopardy to the health and safety" of patients.

The facility, then known as Almont Ambulatory Surgery Center, is now known as Beverly Hills Surgery Center and has been accredited by a different oversight body.

The Brooks family's lawsuit against TopSurgeons LLC, the Beverly Hills clinic, and his doctor, George Tashjian, is scheduled for trial next June. Tashjian has denied responsibility for Brooks' death.

The medical board's spokeswoman, Jennifer Simoes, said letters such as the one received by Renteria's family were a first step in any review. When I asked Madan for a comment last week he told me he would get back to me, but I'm still waiting.

The familiar 1-800-GET-THIN billboards have caught the attention of the Los Angeles County Department of Public Health. The agency's director, Jonathan E. Fielding, has asked the U.S. Food and Drug Administration to investigate the ad campaign.

Fielding says he's concerned about the hazards of "medical complications and unrealistic expectations resulting from the misleading promotion" of the **Lap-Band**, a silicone ring surgically fitted over part of the stomach to discourage overeating.

The 1-800-GET-THIN ads "fail to provide the relevant warnings, precautions, side effects, and contraindications related to the procedure," he wrote in his Dec. 7 letter to the FDA. That's troubling because the FDA is considering whether to expand the device's approved use beyond the extremely obese patients for whom it's currently permitted. The change could add 2 million people to the target market in L.A. County alone, Fielding said.

The billboards don't mention, he added, that the surgery is not appropriate "for the vast majority of individuals." He's especially ticked off about the billboards' declaring "Diets Fail! The **Lap-Band** Works!" That's because diets do work if you stick to them.

The people who have been behind this ad campaign and the clinic where Renteria and Brooks were operated on are brothers Julian and Michael Omid. The California medical board revoked Julian's medical license last year, retroactive to 2007. The medical board placed Michael on three years' probation in 2008.

The Omidis have run their business under several names at various times, including TopSurgeons, Weight Loss Centers and Beverly Hills Surgery Center.

TopSurgeons claims in a recent court filing to be a "marketing company" specializing in advertising **Lap-Band** surgery. It says the surgeons who operate at the Beverly Hills Surgery Center are "independent doctors."

Renteria and Brooks are not the only patients who were allegedly harmed by procedures at the Beverly Hills surgical facility. Consider the case of Jodi Lynn Smith, 50, who says she had her **Lap-Band** operation there on July 22, 2009.

At her mother's home the next day, Smith awoke in severe pain and couldn't keep anything down, according to her lawsuit in Los Angeles Superior Court. Over the next two days, her family called Tashjian, her **Lap-Band** surgeon, several times. He advised her to take liquids and pain medication, her suit states.

On the third day she was rushed to Tri-City Medical Center in Oceanside, where doctors determined that the **Lap-Band** had been cinched around her stomach too tightly, the lawsuit says. They performed emergency surgery to take it out.

Tashjian, in an answer to her lawsuit, contends among other things that her problems may have been due to her own negligence. The surgeon is the target of a medical board proceeding to revoke or suspend his license in connection with his treatment of two hospital patients in 2006. He told me by e-mail that the board has "officially closed" the case without taking action. Simoes, the board's spokeswoman, said that's not so and that the case remains open.

The surgery center denies responsibility for the injuries alleged in Smith's lawsuit, asserting among other things that she "voluntarily assumed the risk" of the surgery.

Smith's lawsuit claims TopSurgeons initially told her the surgery would cost \$15,000. Yet her insurance company was billed for more than \$140,000. That's according to Beverly Hills Surgery Center, which has sued Smith for the money.

How do you get from \$15,000 to \$140,000? For one thing, Smith was charged \$67,000 for the operating room, according to insurance records the clinic filed in court. Since TopSurgeons ads have claimed that implanting the **Lap-Band** is a one-hour operation, that pegs the value of its operating room at \$1.6 million a day. I'm not sure there's even a five-star hotel room in Beverly Hills that goes for that rate.

Another item on her bill is \$12,220, charged by Tashjian for an endoscopy, according to the insurance records. The insurance entry is dated Aug. 3, 2009. But on that day, her lawyer says, Smith was 98 miles

from Beverly Hills -- she was at Tri-City, recovering from the emergency surgery.

Robert Silverman, the attorney for TopSurgeons and the surgery center, said last week that he did not have time to respond to my request for comment on the case before my deadline.

High-volume surgical centers like the one at which Renteria had her operation fall into a regulatory no man's land. The state Department of Public Health says that doctor-owned centers like Beverly Hills Surgery Center fall under the medical board's jurisdiction. But the medical board says it has oversight only over doctors, not facilities.

The Renterias are left to contemplate what they've lost. Ana Renteria was a happy person who dreamed of traveling and loved to take her eight nieces and nephews to ballgames and Disneyland. Family members say they're still struggling with her death. "She opened her heart to a lot of people," Luna told me. Her siblings tried to dissuade Renteria from having the operation, but she went ahead with it because "she just wanted to feel better about herself."

For state regulators to argue that technicalities prevent them from taking a close look at what goes on inside surgery centers like this one is a disgrace. How many coroner's reports do they need to see before waking up?

--

Michael **Hiltzik**'s column appears Sundays and Wednesdays. Reach him at mhiltzik@latimes.com, read past columns at latimes.com/hiltzik, check out [facebook.com/hiltzik](https://www.facebook.com/hiltzik) and follow [@latimeshiltzik](https://twitter.com/latimeshiltzik) on Twitter.

PHOTO: LOSS: Ana Renteria's death was attributed to complications from her **Lap-Band** surgery., PHOTOGRAPHER:

Document LATM000020101218e6cj0005u